

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM  
Section 7: Rio Brazos

Subfile No. CHRB-009-0006

**MOTION FOR SUBSTITUTION OF PARTIES**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. Pro. 25(c) moves the Court to issue its order substituting Sherry J. Abeyta, Mark D. Abeyta, Gale A. Abeyta and Darlene A. Manuele for defendant Jenny R. Abeyta, and as grounds states as follows:

1. Defendant Jenney R. Abeyta is deceased. Title to the land and water rights under this subfle has been transferred to Sherry J. Abeyta, Mark D. Abeyta, Gale A. Abeyta and Darlene A. Manuele by Personal Representative Deed dated January 3, 2006.

WHEREFORE the State requests the Court to enter its order substituting Sherry J. Abeyta, Mark D. Abeyta, Gale A. Abeyta and Darlene A. Manuele for defendant Jenny R. Abeyta in these proceedings.

Dated: November 12, 2006

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer

P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing were mailed to following persons on November 12, 2006:

Sherry J. Abeyta  
1550 Steele St.  
Denver, CO 80013

Mark D. Abeyta  
2013 Cheyenne Ave.  
Loveland, CO 80538

Gale A. Abeyta  
915 East 6<sup>th</sup> St.  
Loveland, CO 80537

Darlene A. Manuele  
16918 East Eldorado Circle  
Denver, CO 80013

transmitted by ACE filing to the following on the same date.

Special Master Vickie L. Gabin  
USDC-DCNM  
P.O. Box 2384  
Santa Fe, NM 87504-2384

Karla Bruner, Data Manager  
1315 Sagebrush Dr. SW  
Los Lunas, NM 87031

/s/ Ed Newville  
Edward G. Newville